

and 13 are amended, and claims 14 and 15 are cancelled. All other claims remain unchanged since our last amendment of October 22, 2003.

The system of amended claim 2 and the method of amended claim 13 now incorporate the bogie carrying the carriage along the lateral direction. Furthermore, it is now specified in amended claims 2 and 13 that the carriage may be moved along the lateral direction at any lateral position within the variable lateral distances, i.e. that the carriage may pick up or drop an article at any lateral position within the limits of the system. Also, it is now further specified in amended claims 2 and 13 that the carriage is capable of moving along the longitudinal direction from a first position located on the bogie allowing the bogie to carry the carriage along the lateral direction, and a second position outboard of the bogie and longitudinally entirely clearing the bogie, with the carriage being independently movable relative to the bogie. This last additional amendment specifically defines that the carriage will in fact move out of the bogie since it is free of the bogie itself, i.e. it is not attached to the bogie and may thus move along loading areas of variable lengths independently of the bogie.

The Examiner has rejected the claims on file under 35 USC 103 (a) as being unpatentable over either Birkenfeld, Thoor or Tanaka. Applicant respectfully requests the Examiner to reconsider his rejection in view of the amendments brought to the claims, and of the following arguments.

Birkenfeld shows a loading apparatus for trucks or the like comprising a bogie movable over rails along a lateral direction. The bogie supports a loader comprising a powered pushing device which may push articles from a first position in which the articles are located outside of the truck loading areas, to a second position in which the articles are located inside the truck loading areas. The loader is partly engaged in the loading areas to bring the articles to this second position. However, the loader remains attached to the bogie at all times, there is no carriage independently movable relative to the bogie in the Birkenfeld patent. The loader may not move from a first position on the bogie to a second position outboard of the bogie and entirely clearing the bogie, since it remains attached to the bogie at all times. Thus, the loader may not load or unload articles at any longitudinal position within loading areas, since it is limited in its longitudinal displacement to loading articles that are immediately adjacent the bogie. It would consequently not

have been obvious for one of ordinary skill in the art to modify the Birkenfeld teachings to obtain the invention as it is presently claimed.

The Tanaka patent, in which a bogie movable over rails in a lateral direction carries a loader partly engageable in truck loading areas, is similar to the above-mentioned Birkenfeld patent in that the loader provided on the bogie remains on the bogie at all times. There is no carriage independently movable from the bogie. The loader is not capable of moving outboard of the bogie to a second position entirely clearing the bogie since it remains engaged on the bogie at all times. The loader may not load or unload articles at any longitudinal position within loading areas, since it is limited in its longitudinal displacement to loading and unloading articles that are located immediately adjacent the bogie. It would not have been obvious for someone skilled in the art to modify the Tanaka patent to obtain the invention as it is presently claimed either.

The Thoor patent shows a bogie movable over rails in a lateral direction, carrying a carriage mounted on longitudinally aligned bogie rails integrally attached to the bogie. Outboard loading area rails also extend into loading areas, and when the bogie becomes aligned with a predetermined loading area, the loading area rails and the bogie rails may become coextensive to provide a path for allowing the carriage to move outboard of the bogie and into the loading areas, supported on the rails. However, the Thoor carriage is not capable of depositing or retrieving an article at any point within the variable lateral distances of the lateral direction, since the bogie must absolutely be aligned with outboard rails to allow the carriage to move out of the bogie. This is contrary to the carriage of the present invention which is capable of moving out of the bogie at any lateral position within the variable lateral distances of the system. Furthermore, the carriage of the Thoor carriage cannot be said to be independently movable along the longitudinal direction relative to the bogie, since the bogie rails absolutely needs to be perfectly aligned with the loading area rails to allow the bogie to move out of the bogie. Finally, the Thoor system does not provide a carriage which is capable of depositing and retrieving an article at any point in the longitudinal direction, since the rails have a limited length that prevent the bogie from travelling beyond the end of the rails. It would consequently not have been obvious for someone skilled in the art to modify the Thoor patent to obtain the invention as it is presently claimed.

The invention as it is presently claimed thus highlights the advantages of the present

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invention over to the prior art such as the Birkenfeld, Tanaka and Thoor patents. The system according to the present invention, and the method for loading and unloading articles with the system of the present invention, is highly versatile and efficient. Indeed, the carriage may pick up or deposit articles at any lateral position within the range of lateral distances defined by the system due to the laterally movable bogie carrying the carriage in the lateral direction. The carriage may further move out of the bogie at any lateral position to longitudinally move independently of the bogie, at any longitudinal position within the loading areas. Such features are not shown or even suggested in the prior art known to applicant, including the Birkenfeld, Tanaka and Thoor patents. Loading and unloading systems such as the Thoor, Tanaka and Birkenfeld systems limit the possible movement of the carriage in an important fashion, since the carriage cannot move longitudinally at any position within loading areas, and in the case of the Thoor patent, neither can it leave the bogie at any lateral position within the lateral limits of the system. Moreover, in the case of the Birkenfeld and Tanaka patents, the loader (the closest relative to the carriage of the present application) may not leave the bogie at all. It is further noted that the loaders of the Birkenfeld and Tanaka systems are likely to incur significant torque-related stresses in their respective structures, since the loaders' article-carrying devices will have to extend outboard of the bogie to load and unload articles and thus be cantilevered while supporting the articles. Even though support wheels for the article-carrying devices are provided to engage the truck bed, this type of system requires that the truck bed be horizontally precisely aligned with the bogie bed, which in practice is unlikely at best.

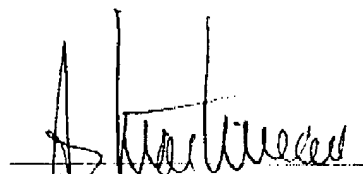
It is consequently strongly believed that independent claims 2 and 13 should stand allowable. Also, all dependent claims, namely dependent claims 3-12 and 24-26, depend directly or indirectly from claim 2, and should also stand allowable. Allowance of the present application is respectfully requested.

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Please do not hesitate to call the undersigned at phone number (514) 861-4831 if only minor modifications stand in the way of the allowance of the present application, so as to work by way of an Examiner's amendment to expedite the prosecution of the present application.

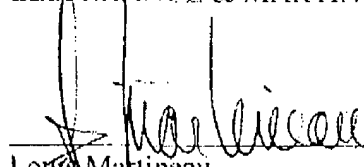
Very truly yours,

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It is hereby certified that this amendment paper, consisting of ten (10) pages including the five (5) pages of the present letter and the five (5) annexed pages of amended claims, is being facsimile transmitted to the United States Patent and Trademark Office on February 26, 2004.

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Encl.